

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JOHNNIE F. WILLIAMS, JR.

Plaintiff,

-vs-

CASE NO.: 2:17-cv-02052-JTD-cgc

CONN APPLIANCES, INC.,

Defendant.

**PLAINTIFF'S NOTICE OF FILING OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF PLAINTIFF'S MOTION TO CONFIRM ARBITRATION AWARD**

Plaintiff, JOHNNIE WILLIAMS, JR., by and through his undersigned counsel, hereby notifies the Court of the attached supplemental authority: *Conn's Appliances, Inc. v. Johnnie F. Williams, Jr.*, Case No: 19-20139 (5th Cir. 2019) (*See attached Exhibit A*).

On February 12, 2019, Defendant filed its Notice of Intent to File Appeal [Doc. 26] with this Court. Within its Notice, Defendant informed this Court that it was appealing a decision by the Southern District of Texas dismissing Defendant's Application to Vacate Arbitration Award for lack of jurisdiction [Doc. 26, pp. 1-2]. As such, Defendant requested that "any further ruling from this Court be delayed pending the outcome of the appeal to the Fifth Circuit" pursuant to the "first-to-file" rule. See Doc. 26, ¶ 8.

Over two months after filing its Notice with this Court, Defendant filed its Opening Brief with the Fifth Circuit Court of Appeals on April 22, 2019. Plaintiff filed his Brief of Appellee in response on May 22, 2019 and Defendant filed its Reply Brief Appeal on June 12, 2019. Upon

review, the Fifth Circuit Court of Appeals entered an Opinion (attached here to as **Exhibit A**) affirming the judgment of the Southern District of Texas and noting that Conn’s “failed to meet its prima facie burden [and] the district court properly dismissed the suit for lack of personal jurisdiction.” **Exhibit A**, p. 4.

Through its meritless appeal, Conn’s has now delayed these proceedings one year to the date on what is otherwise a very straightforward matter. As there are no longer any competing proceedings and Conn’s “first-to-file” argument has effectively been struck down, Plaintiff respectfully requests this Court move forward with ruling on Plaintiff’s Motion to Confirm the Arbitration Award [Doc. 14] and Plaintiff’s Motion for Sanctions [Doc. 40].

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via electronic mail on this 4th day of September, 2019 to: Robert Luskin, Esquire, 3340 Peachtree Road, NE, Suite 2100, Atlanta, Georgia 30326 (rluskin@gmlj.com); and Christopher Jordan, Esquire, 700 Milam Street, Suite 2700, Houston, Texas 77002 (cjordan@munsch.com).

Respectfully submitted,

/s/ Frank H. Kerney, III, Esq.

Frank H. Kerney III, Esq.

BPR: 035859

Morgan & Morgan, Tampa, PA

201 N. Franklin St.

Suite 700

Tampa, FL 33602

813-577-4729 (direct)

813-223-5402 (fax)

FKerney@forthepeople.com

MMartinez@forthepeople.com

Counsel for Plaintiff